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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation and Petition to Revoke Probation
Against:

12 **ANGIE FEINGOLD, aka**
13 **MARY ANGELA ANGIE ALLEN MORT FEINGOLD, aka**
14 **MARY ANGELA ALLEN**
1899 S. Minnewawa
Fresno, California 93727

15 Registered Nurse License No. 455314

16 Respondent.

Case No. **2004-134**

**ACCUSATION AND
PETITION TO
REVOKE
PROBATION**

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18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation and Petition to Revoke Probation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about August 31, 1990, the Board of Registered Nursing issued
25 Registered Nurse License Number 455314 to Angie Feingold ("Respondent"). The registered
26 nurse license expired on September 4, 2006.

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1 **Prior Discipline**

2 3. Effective January 13, 2005, pursuant to the Decision and Order in
3 Accusation No. 2004-134, the Board of Registered Nursing revoked Respondent's Registered
4 Nurse License No. 445314; however, the revocation was stayed and Respondent's license was
5 placed on probation for a period of three (3) years with conditions. A copy of the Decision and
6 Order is attached as **Exhibit A** and is incorporated herein by reference. On December 17, 2007,
7 the Board requested the Attorney General's office to prepare an Accusation and Petition to
8 Revoke Probation against Respondent.

9 **STATUTORY PROVISIONS**

10 4. Section 2750 of the Business and Professions Code ("Code") provides, in
11 pertinent part, that the Board may discipline any licensee, including a licensee holding a
12 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
13 section 2750) of the Nursing Practice Act.

14 5. Code section 2764 provides, in pertinent part, that the expiration of a
15 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
16 against the licensee or to render a decision imposing discipline on the license. Under Code
17 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
18 years after the expiration.

19 6. Code section 118, subdivision (b), provides, in pertinent part, that the
20 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
21 action during the period within which the license may be renewed, restored, reissued or
22 reinstated.

23 **STATUTORY PROVISIONS**

24 7. Code section 2761 states, in pertinent part:

25 The board may take disciplinary action against a certified or licensed nurse
26 or deny an application for a certificate or license for any of the following:

27 (f) Conviction of a felony or of any offense substantially related to the
28 qualifications, functions, and duties of a registered nurse, in which event the
 record of the conviction shall be conclusive evidence thereof.

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1 **COST RECOVERY**

2 8. Code section 125.3 provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licentiate found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **ACCUSATION**

7 **CAUSE FOR DISCIPLINE**

8 **(Criminal Convictions)**

9 9. Respondent is subject to disciplinary action under Code sections 2761,
10 subdivision (f), in that Respondent has been convicted of crimes substantially related to the
11 qualifications, functions, and duties of a registered nurse, as follows:

12 a. On March 22, 2005, in the Superior Court, County of Fresno, California,
13 in the matter entitled *People of the State of California vs. Mary Angela Feingold, aka Angie*
14 *Mort, aka Mary Mort*, (Super. Ct., Fresno Cty., 2005, Case No. M05911248-3), Respondent was
15 convicted on her plea of no contest for violating Penal Code section 666, (petty theft). The
16 circumstances of the crime are that on or about January 21, 2005, Respondent unlawfully and in
17 violation of Penal Code section 484, subdivision (a), stole, took, and carried away the personal
18 property of Costco.

19 b. On June 20, 2003, in the Superior Court, County of Shasta, California, in
20 the matter entitled *People of the State of California vs. Mary Feingold* (Super. Ct., Shasta Cty.,
21 2003, Case No. 030004438), Respondent was convicted on her plea of nolo contendere of
22 violating Penal Code section 484, subdivision (A)/488, (petty theft, larceny). The circumstances
23 of the crime are that on or about May 17, 2003, Respondent unlawfully stole, took, and carried
24 away the personal property of a Raley's grocery store.

25 **PETITION**

26 10. Grounds exist for revoking the probation and reimposing the order of
27 revocation of Respondent's Registered Nurse License No. 455314. Condition 12 of the Decision
28 states:

1 If Respondent violates the conditions of her probation, the Board after
2 giving the Respondent notice and an opportunity to be heard, may set aside the
3 stay order and impose the stayed discipline (revocation/suspension) of the
4 Respondent's license.

5 If during the period of probation, an accusation or petition to revoke
6 probation has been filed against Respondent's license or the Attorney General's
7 Office has been requested to prepare an accusation or petition to revoke probation
8 against Respondent's license, the probationary period shall automatically be
9 extended and shall not expire until the accusation or petition has been acted upon
10 by the Board.

11 11. Respondent has violated the Probation Program, as more particularly set
12 forth in the following paragraphs:

13 **FIRST CAUSE TO REVOKE PROBATION**

14 **(Failure to Obey all Laws)**

15 12. At all times after the effective date of Respondent's probation, Condition
16 1, stated:

17 Respondent shall obey all federal, state, and local laws. A full and
18 detailed account of any and all violations of law shall be reported by Respondent
19 to the Board in writing within seventy-two (72) hours of occurrence. To permit
20 monitoring of compliance with this term, Respondent shall submit completed
21 fingerprint cards and fingerprint fees within 45 days of the effective date of the
22 decision, unless previously submitted as part of the licensure application process.

23 13. Respondent's probation is subject to revocation because she failed to
24 comply with Probation Condition 1, referenced above. The facts and circumstances regarding
25 this violation are as follows:

26 a. Respondent failed to obey all state laws, in that she has been convicted of
27 crimes, as more particularly set forth in paragraph 9, subparagraphs a and b, above.

28 b. Respondent failed to submit proof of fingerprinting.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Submit Written Reports)

14. At all times after the effective date of Respondent's probation, Condition
5, stated, in part:

Respondent, during the period of probation, shall submit or cause to be
submitted such written reports/declarations and verifications of actions under
penalty of perjury, as required by the Board. These reports/declarations shall

1 contain statements relative to Respondent's compliance with all the conditions of
2 the Board's Probation Program. Respondent shall immediately execute all release
of information forms as may be required by the Board or its representatives.

3 15. Respondent's probation is subject to revocation because she failed to
4 comply with Probation Condition 5, referenced above. The facts and circumstances regarding
5 this violation are that Respondent failed to submit the required quarterly reports for January-
6 March 2007; April-June 2007; and July-September 2007.

7 **THIRD CAUSE TO REVOKE PROBATION**

8 **(Failure to Practice Nursing as Required)**

9 16. At all times after the effective date of Respondent's probation, Condition
10 6, stated:

11 Respondent, during the period of probation, shall engage in the practice of
12 registered nursing in California for a minimum of 24 hours per week for 6
consecutive months or as determined by the Board.

13 For purposes of compliance with this section, "engage in the practice of
14 registered nursing" may include, when approved by the Board, volunteer work as
a registered nurse, or work in any non-direct patient care position that requires
15 licensure as a registered nurse.

16 The Board may require that advanced practice nurses engage in advanced
practice nursing for a minimum of 24 hours per week for 6 consecutive months or
17 as determined by the Board.

18 If Respondent has not complied with this condition during the
probationary term, and Respondent has presented sufficient documentation of her
19 good faith efforts to comply with this condition, and if no other conditions have
been violated, the Board, in its discretion, may grant an extension of Respondent's
20 probation period up to one year without further hearing in order to comply with
this condition. During the one year extension, all original conditions of probation
21 shall apply.

22 17. Respondent's probation is subject to revocation because she failed to
23 comply with Probation Condition 6, referenced above. The facts and circumstances regarding
24 this violation are that Respondent failed to engage in the practice of registered nursing for a
25 minimum of 24 hours per week for 6 consecutive months.

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1 **FOURTH CAUSE TO REVOKE PROBATION**

2 **(Failure to Complete Course Work)**

3 18. At all times after the effective date of Respondent's probation, Condition
4 10, stated:

5 Respondent, at her own expense, shall enroll and successfully complete a
6 course(s) relevant to the practice of registered nursing no later than six months
prior to the end of her probationary term.

7 Respondent shall obtain prior approval from the Board before enrolling in
8 the course(s). Respondent shall submit to the Board the original transcripts or
9 certificates of completion for the required course(s). The Board shall return the
original documents to Respondent after photocopying them for its records.

10 19. Respondent's probation is subject to revocation because she failed to
11 comply with Probation Condition 10, referenced above. The facts and circumstances regarding
12 this violation are that Respondent failed to complete the following courses no later than six
13 months prior to the end of her probationary term:

- 14 a. Professional Ethics/Legal Aspects of Nursing
15 b. Relapse Prevention and Plan Development
16 c. Stress Management

17 **FIFTH CAUSE TO REVOKE PROBATION**

18 **(Failure to Pay Cost Recovery)**

19 20. At all times after the effective date of Respondent's probation, Condition
20 11, stated:

21 Respondent shall pay to the Board costs associated with its investigation
22 and enforcement pursuant to Business and Professions Code section 125.3 in the
amount of Two Thousand Six Hundred Eighty Eight Dollars (\$2,688).
23 Respondent shall be permitted to pay these costs in a payment plan approved by
the Board, with payments to be completed no later than three months prior to the
24 end of the probation term.

25 If Respondent has not complied with this condition during the
probationary term, and Respondent has presented sufficient documentation of her
26 good faith efforts to comply with this condition, and if no other conditions have
been violated, the Board, at its discretion, may grant an extension of Respondent's
27 probation period up to one year without further hearing in order to comply with
this condition. During the one year extension, all original conditions of probation
will apply.

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1 21. Respondent's probation is subject to revocation because she failed to
2 comply with Probation Condition 11, referenced above. The facts and circumstances regarding
3 this violation are that Respondent failed to pay any portion of the cost recovery in the amount of
4 \$2,688.

5 **SIXTH CAUSE TO REVOKE PROBATION**

6 **(Failure to Abstain from the Use of Psychotropic (Mood-Altering) Drugs)**

7 22. At all times after the effective date of Respondent's probation, Condition
8 14, stated:

9 Respondent shall completely abstain from the possession, injection or
10 consumption by any route of all psychotropic (mood-altering) drugs, including
11 alcohol, except when the same are ordered by a health care professional legally
12 authorized to do so as part of documented medical treatment. Respondent shall
13 have sent to the Board, in writing and within fourteen (14) days, by the
prescribing health professional, a report identifying the medication, dosage, the
date the medication was prescribed, the respondent's prognosis, the date the
medication will no longer be required, and the effect on the recovery plan, if
appropriate.

14 Respondent shall identify for the Board a single physician, nurse
15 practitioner or physician assistant who shall be aware of respondent's history of
16 substance abuse and will coordinate and monitor any prescriptions for respondent
17 for dangerous drugs, controlled substances or mood-altering drugs. The
18 coordinating physician, nurse practitioner, or physician assistant shall report to the
Board on a quarterly basis respondent's compliance with this condition. If any
substances considered addictive have been prescribed, the report shall identify a
program for the time limited use of any such substances.

19 The Board may require the single coordinating physician, nurse
20 practitioner, or physician assistant to be a specialist in addictive medicine, or to
consult with a specialist in addictive medicine.

21 23. Respondent's probation is subject to revocation because she failed to
22 comply with Probation Condition 14, referenced above. The facts and circumstances regarding
23 this violation are that on September 15, 2005, and October 11, 2005, Respondent tested positive
24 for Tramadol, a dangerous drug. Respondent did not have a valid prescription for the drug.
25 Further, on October 31, 2006, Respondent tested positive for alcohol.

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1 **SEVENTH CAUSE TO REVOKE PROBATION**

2 **(Failure to Participate in the Board's Drug Screening)**

3 24. At all times after the effective date of Respondent's probation, Condition
4 15, stated:

5 Respondent, at her expense, shall participate in a random, biological fluid
6 testing or a drug screening program which the Board approves. The length of
7 time and frequency will be subject to approval by the Board. Respondent is
8 responsible for keeping the Board informed of Respondent's current telephone
9 number at all times. Respondent shall also ensure that messages may be left at the
10 telephone number when she is not available and ensure that reports are submitted
11 directly by the testing agency to the Board, as directed. Any confirmed positive
12 finding shall be reported immediately to the Board by the program and
13 Respondent shall be considered in violation of probation.

14 In addition, Respondent, at any time during the period of probation, shall
15 fully cooperate with the Board or its representatives, and shall, when requested,
16 submit to such tests and samples as the Board or its representatives may require
17 for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other
18 controlled substances.

19 If Respondent has a positive drug screen for any substance not legally
20 authorized and not reported to the coordinating physician, nurse practitioner or
21 physician assistant, and the Board files a petition to revoke probation or an
22 accusation, the Board may suspend Respondent from practice pending the final
23 decision on the petition to revoke probation or the accusation. This period of
24 suspension will not apply to the reduction of this probationary period.

25 If Respondent fails to participate in a random, biological fluid testing or
26 drug screening program within the specified time frame, Respondent shall
27 immediately cease practice and shall not resume practice until notified by the
28 Board. After taking into account documented evidence of mitigation, if the Board
files a petition to revoke probation or an accusation, the Board may suspend
Respondent from practice pending the final decision on the petition to revoke
probation or the accusation. This period of suspension will not apply to the
reduction of this probationary time period.

29 25. Respondent's probation is subject to revocation because she failed to
30 comply with Probation Condition 15, referenced above. The facts and circumstances regarding
31 this violation are that Respondent failed to participate in the Board's drug screening program, as
32 follows:

- 33 a. Respondent failed to show up for requested drug screenings on July 7,
34 2005; November 1, 2005; December 7, 2005; December 28, 2005;
35 January 5, 2006; April 17, 2006; May 24, 2006; August 8, 2006;
36 October 18, 2006; and November 8, 2006.

- 1 b. Respondent's drug screenings were diluted and/or out of range on
2 March 9, 2006; April 6, 2006; June 13, 2006; and September 7, 2006.

3 **EIGHTH CAUSE TO REVOKE PROBATION**

4 **(Failure to Comply with the Probation Program)**

- 5 26. At all times after the effective date of Respondent's probation, Condition 2
6 stated:

7 Respondent shall fully comply with the terms and conditions of the
8 Probation Program established by the Board and cooperate with representatives of
9 the Board in its monitoring and investigation of the Respondent's compliance
10 with the Probation Program. Respondent shall inform the Board in writing within
no more than 15 days of any address change and shall at all times maintain an
active, current license status with the Board, including during any period of
suspension.

- 11 27. Respondent's probation is subject to revocation because she failed to
12 comply with Probation Condition 2, referenced above. The facts and circumstances regarding
13 this violation are that Respondent failed to comply with the Board's Probation Program, as more
14 particularly set forth in paragraphs 9, 13, 15, 17, 19, 21, 23, and 25, above.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking the probation that was granted by the Board of Registered
5 Nursing in Case No. 2004-134 and imposing the disciplinary order that was stayed thereby
6 revoking Registered Nurse License No. 455314 issued to Angie Feingold;

7 2. Revoking or suspending Registered Nurse License No. 455314, issued to
8 Angie Feingold; and,

9 3. Taking such other and further action as deemed necessary and proper.

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11 DATED: January 7, 2008

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13 *Jessica M. Anguier for,*
14 RUTH ANN TERRY, M.P.H., R.N.
15 Executive Officer
16 Board of Registered Nursing
17 Department of Consumer Affairs
18 State of California
19 Complainant
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Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2004-134

BEFORE THE
BOARD OF REGISTERED NURSING
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ANGIE FEINGOLD
1899 S. Minnewawa Avenue
Fresno, CA 93727-6037

Respondent.

File No. 2004-134

OAH No. N2004040669

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on January 13, 2005.

IT IS SO ORDERED December 13, 2004.

Sandra Z. Erickson, CRNA

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ANGIE FEINGOLD aka
MARY ANGELA ALLEN
1899 S. Minnewawa
Fresno, CA 93727

Case No. 2004-134

OAH No. N2004040669

Registered Nurse License No. 455314,

Respondent.

PROPOSED DECISION

Administrative Law Judge M. Amanda Behe, Office of Administrative Hearings, State of California, heard this matter on August 25, 2004, in Fresno, California.

Paul V. Bishop, Deputy Attorney General, represented the complainant.

Respondent represented herself.

Evidence was presented and the matter submitted on August 25, 2004.

FACTUAL FINDINGS

1. Complainant Ruth Ann Terry, R.N., M.P.H., is the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs (the Board), and made and filed the Accusation in her official capacity.

2. On March 31, 1990, the Board issued registered nurse license number 455314 to Angie Feingold aka Mary Angela Allen (respondent). The license was in full force and effect at all times relevant to the Accusation. The license will expire on March 31, 2005, unless renewed.

3. Pursuant to Business and Professions Code section 2750 the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 of the Nursing Practice Act.

4. Pursuant to Business and Professions Code section 2764 the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

5. Business and Professions Code section 2761 provides, in pertinent part, that:

The Board may take disciplinary action against a certified or licensed nurse ... for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

...

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

6. Pursuant to Business and Professions Code section 125.3 the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the Nursing Practice Act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7. Respondent stipulated that on September 29, 2001, she altered and attempted to pass a prescription for Vicodin. Respondent further stipulated that on October 5, 2001, she was convicted in the Superior Court of the State of California in and for the County of Fresno, on her plea of nolo contendere of a violation of Health and Safety Code section 4324 subdivision (a) [ALTERING A PRESCRIPTION FOR A DRUG], a misdemeanor. Respondent was placed on summary probation for one year.

The crime of which Respondent was convicted is substantially related to the qualifications, functions and duties of a registered nurse.

The circumstances of the conviction were that on Saturday, September 29, 2001, respondent was injured when her horse stepped on her ankle. Respondent altered the date on a post-surgery prescription for Vicodin which she had not filled, and submitted it to the pharmacy. She was arrested at the pharmacy and released later that night.

8. Respondent was very distressed and after months of depression attempted suicide by taking pills with alcohol. Prior to her suicide attempt she had been an alcoholic in recovery and sober for five years. Respondent was hospitalized for several weeks and stayed home from work for

another six months. She described that the period is very hazy and she is not clear what happened during that time. Respondent began formal therapy after her suicide attempt.

9. Respondent testified that she has never had a problem with drugs and is a sober alcoholic. She completed three inpatient programs and numerous outpatient programs but did not find them helpful in maintaining sobriety. She then attended a sobriety program through her church, and until her suicide attempt, was able to remain sober with the help of her family, church and sober friends. She has been sober since her suicide attempt, and meets informally with a therapist who shares her interest in horses.

Respondent testified that other than God and her family, nursing is the most important thing in her life and that her mistakes have given her experience which can assist patients and coworkers. She can reach out to colleagues and hopefully help them before they reach the end of drug and alcohol abuse.

10. After her suicide attempt respondent met with Board investigator Dennis Shelley, and she was unable to void when asked for a urine sample. He advised that her record would note a "refusal" to provide a urine sample.

11. Respondent has had private drug tests performed on the recommendation of an attorney who is representing her in a child custody dispute. On February 6, 2003, Northwest Drug Testing reported that her sample collected on February 3, 2003, tested negative for amphetamines, cocaine, opiates, phencyclidine, and cannabinoids.

On April 27, 2003, Northwest Drug Testing reported that respondent's sample collected on April 25, 2003, tested negative for amphetamines, cocaine, opiates, phencyclidine, and cannabinoids.

On March 5, 2004, Omega Laboratories reported that respondent's sample collected on March 4, 2004, tested negative for cocaine/metabolite, THC metabolite, opiates, amphetamines, and phencyclidine.

12. Respondent works for Interim, a staff relief agency, and for the past two years has worked about three to four days per week usually at St. Agnes Hospital in specialty areas including the Emergency Room. Respondent prefers to work for an agency rather than a specific hospital because of the higher salary, varied assignments, and flexible schedule. She also prefers to avoid the "politics" and committee assignments involved in hospital staff positions.

13. Respondent and Daryl Feingold, a paramedic, have been married for 4½ years. Mr. Feingold testified that respondent touched him in a very special way because of the humanity she showed to a local inebriate he transported to the hospital. He described that most of the staff could not stand the man and respondent was the only person who did not treat him like a piece of dirt. He opined that respondent is a technically proficient and caring nurse.

Mr. Feingold described that respondent had been sober for years before her suicide attempt, and since has regained her sobriety. The suicide attempt followed a change in her antidepressant

medication, and she is now on better antidepressants which work well to stabilize her mood. She has stayed sober and been able to work in any nursing setting. Mr. Feingold's employment provides medical insurance which permits respondent to work at Interim for more money than a regular staff position. His paramedic schedule is changed three times per year, and working for Interim allows respondent to pick work days which match his schedule.

14. The evidence established that respondent has had many years of employment through an agency at a major hospital in the Fresno area, and that she can safely practice her profession. The public interest would be protected by permitting her to keep her license on probation pursuant to the terms established by the Board. Typically the Board's probation term #15 [PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE] would be ordered. However, in light of respondent's history with Twelve Step programs and greater success with maintaining sobriety through her church that condition is omitted. In this regard the negative drug tests described in Finding 11 were considered.

15. The Board has incurred costs of the investigation and enforcement of the case which are found to be reasonable and total \$2,688.00.

LEGAL CONCLUSIONS

1. Clear and convincing evidence to a reasonable certainty establishes cause for revocation of respondent's license pursuant to Business and Professions Code section 2761 subdivision (a) for engaging in unprofessional conduct

2. Clear and convincing evidence to a reasonable certainty establishes cause for revocation of respondent's license pursuant to Business and Professions Code section 2761 subdivision (f) for conviction of an offense substantially related to the qualifications, functions, and duties of a registered nurse.

3. Cause for ordering respondent to pay the Board's costs of the investigation and enforcement of \$2,688.00 was established.

ORDER

IT IS HEREBY ORDERED that Registered Nurse License Number 455314 issued to respondent Angie Feingold aka Mary Angela Allen IS REVOKED. However, the revocation is stayed and respondent is placed on probation for three years on the following conditions:

(1) OBEY ALL LAWS - Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and

fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

(2) COMPLY WITH THE BOARD'S PROBATION PROGRAM - Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, respondent's license shall be fully restored.

(3) REPORT IN PERSON - Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

4) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. The respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

(5) SUBMIT WRITTEN REPORTS - Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

(6) FUNCTION AS A REGISTERED NURSE - Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If respondent has not complied with this condition during the probationary term, and the respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS - Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

(8) SUPERVISION - Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.

(d) Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the respondent with or without respondent present.

(9) EMPLOYMENT LIMITATIONS - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool without prior written approval of the Board's staff. Respondent shall work only on a regularly assigned, identified and predetermined worksite(s), and shall not work in a float capacity without prior written approval of the Board's staff.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

If the respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(10) COMPLETE A NURSING COURSE(S) - Respondent, at her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records.

(11) COST RECOVERY - Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the amount of \$2,688.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation will apply.

(12) VIOLATION OF PROBATION - If a respondent violates the conditions of his/her probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed revocation of respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

(13) LICENSE SURRENDER - During respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, respondent may surrender her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or one year for a license surrendered for a mental or physical illness.

(14) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS - Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are

ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, the respondent's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of respondent's history of substance abuse and will coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

(15) SUBMIT TO TESTS AND SAMPLES - Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of her current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and the respondent shall be considered in violation of probation.

In addition, respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

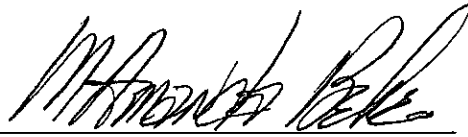
If respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, the respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to

revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

(16) Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

Dated: September 15, 2004

A handwritten signature in black ink, appearing to read "M. Amanda Behe", written over a horizontal line.

M. AMANDA BEHE
Administrative Law Judge
Office of Administrative Hearings

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of the State of California
2 PAUL V. BISHOP, State Bar No. 50133
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6
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2004-134

13 ANGIE FEINGOLD
A.K.A. MARY ANGELA ALLEN
14 P. O. Box 9594
Fresno, CA 93793

A C C U S A T I O N

15 Registered Nurse License No. 455314

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about March 31, 1990, the Board of Registered Nursing issued
24 Registered Nurse License Number 455314 to ANGIE FEINGOLD, a.k.a. Mary Angela Allen
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on March 31, 2004, unless renewed.

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1 registered nurse. The circumstances are as follows:

2 9. On or about 10/05/01, Respondent was convicted in the Fresno Superior
3 Court of the crime of Forged Prescription in violation of section 4324(A), a misdemeanor, for
4 altering a prescription for a drug.

5 PRAYER

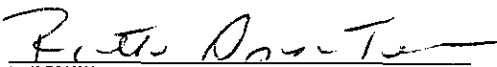
6 WHEREFORE, Complainant requests that a hearing be held on the matters herein
7 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 455314, issued
9 to ANGIE FEINGOLD, a.k.a. Mary Angela Allen;

10 2. Ordering ANGIE FEINGOLD to pay the Board of Registered Nursing the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
12 Professions Code section 125.3;

13 3. Taking such other and further action as deemed necessary and proper.

14 DATED: 12/8/03

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16 
17 RUTH ANN TERRY, M.P.H., R.N.
18 Executive Officer
19 Board of Registered Nursing
20 Department of Consumer Affairs
21 State of California
22 Complainant

21 SA2003104068
22 FEINGOLD ACCUSATION.wpd
23 trf 11/25/03
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